
OLR Bill Analysis

sSB 238

AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.

SUMMARY:

This bill:

1. requires the Department of Correction (DOC) commissioner to perform the duties associated with inmate compensation currently performed by individual facility administrators;
2. eliminates the requirement for an individual bank account for each inmate and instead requires the commissioner to direct inmates' compensation to a bank account or an account that the state treasurer administers (DOC continues to maintain individual internal accountings of each inmate's funds);
3. alters the inmate discharge savings program, including limiting it to sentenced inmates;
4. allows the DOC commissioner to assess a fee for participation in any job training, skill development, or career opportunity or enhancement program;
5. requires the DOC commissioner to make the inmate labor pilot program consistent with governing federal guidelines (see BACKGROUND) and makes changes to how program participants' compensation is handled; and
6. permits work release program participants' compensation to be levied or attached.

EFFECTIVE DATE: July 1, 2013

INMATE COMPENSATION

Under current law, the head of each correctional facility must have any compensation an inmate earns deposited into a separate individual inmate bank account. Funds in each individual account are disbursed to pay certain obligations according to the following priorities set by statute:

1. paying federal taxes;
2. court-ordered restitution or compensation of victims, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
3. paying state taxes;
4. supporting dependents;
5. necessary travel and incidental expenses for work;
6. incarceration costs; and
7. payments to the court clerk if the inmate is held only for not paying a fine.

Current law also requires transfers to a discharge savings account for each inmate but is silent on whether such transfers have a higher or lower priority than other disbursements.

The bill:

1. requires the DOC commissioner to perform the inmate compensation duties currently performed by individual facility administrators;
2. eliminates the requirement for an individual bank account for each inmate, including inmates participating in a private industry labor program or on work-release, and instead requires the commissioner to direct inmates' compensation to a bank account or an account that the state treasurer administers (DOC continues to maintain individual internal accountings of each inmate's funds);

3. specifies that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied (only payments for incarceration costs or to court clerks by inmates held only for not paying a fine have lower priority);
4. applies the disbursement to court clerks for nonpayment of fines to all inmates instead of just those in community correctional centers; and
5. permits inmates' compensation to be levied or attached.

Discharge Savings Account

By law, DOC can transfer up to 10% of any deposit from an inmate's individual account to his or her discharge savings account. Once the discharge savings account reaches \$1,000, DOC must deduct 10% from any deposits to reimburse the state for the inmate's incarceration costs, as necessary.

The bill limits the mandatory requirement to accumulate discharge savings to only those inmates sentenced and confined in Connecticut.

It eliminates the requirement under current law that funds paid from the account to inmates upon release be used for the disbursements listed above.

WORK-RELEASE COMPENSATION

By law, the DOC commissioner can allow an inmate to continue in outside employment or can attempt to obtain such employment for an inmate. Currently, any compensation the inmate earns must be given to the commissioner. The bill allows inmates to give the money to the commissioner's designee and eliminates the requirement that the funds be held in trust for an inmate and instead requires depositing the money in a bank account or an account that the state treasurer administers. The money must be credited to the inmate's individual account.

The law requires disbursing the compensation for the following purposes:

1. paying taxes;
2. supporting dependents;
3. court-ordered restitution or compensation of victims, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
4. necessary travel and incidental expenses for work; and
5. incarceration costs.

The bill specifies that inmates contribute to their discharge savings accounts after satisfying all of these disbursements other than incarceration costs.

PILOT INMATE LABOR PROGRAM

The law allows the DOC commissioner to establish a pilot program to use inmate labor in private industry and enter into any necessary contract including rental or lease agreements. An inmate may participate in this program only on a voluntary basis and only after he or she has been informed of the employment conditions. Inmates must be paid at least the prevailing wage for similar work in private industry.

The bill:

1. subjects compensation received by program participants to state claims for the cost of their incarceration,
2. eliminates a requirement for the DOC commissioner or his designee to collect and deposit participants' compensation in a trust account and instead subjects participants to the same income collection and deposit requirements as inmates performing services on behalf of the state,
3. permits program participants' compensation to be levied or attached, and

4. requires the DOC commissioner or his designee to notify the social services commissioner and the welfare department in the town where a program participant's dependents live of any amount being paid to the dependents on the participant's behalf.

BACKGROUND

Prison Industry Enhancement Certification Program Guidelines

The federal guideline governs such things as program eligibility, minimum wages, and allowable deductions from inmates' wages.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 5 (04/12/2013)